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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/621,629

07/17/2003

Joseph T. O'Brien

65783-0029

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07/14/2006

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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	<b>Application No.</b> 10/621,629	<b>Applicant(s)</b> O'BRIEN ET AL.	
	<b>Examiner</b> Victor MacArthur	<b>Art Unit</b> 3679	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 10 May 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37, and does not overcome all of the reasons for non-compliance previously recited in the Notification mailed on 11 April 2006. Accordingly, no new time period will be set such that the applicant's time to comply with the previous Notification continues to run. If the applicant fails to submit a fully compliant brief within the time period for reply, the appeal will be DISMISSED. See MPEP § 1205.01.

**NO NEW TIME PERIOD FOR RESPONSE WILL BE SET.** To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the previous Notification mailing date of 11 April 2006. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

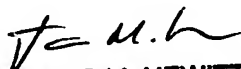
1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

Continuation of 10. Other (including any explanation in support of the above items):

The Summary of Claimed Subject Matter section includes subject matter not recited in the claims. For instance, the subject matter "pillar", "base", "two clips", "opposite end", "head or end portion that is generally rounded or arcuate", etc., are described as being present in claim 1 but in actuality are not recited in the claim. Furthermore, it appears that the applicant argues dependent claims 6 and 22 separately in the Arguments section such that the subject matter of these claims should also be included in the Summary of Claimed Subject Matter section. See 37 C.F.R. 41.37(C)(1)(v).

The Summary of Claimed Subject Matter is NOT intended to be a broad description of the disclosure, nor should it be a springboard for arguments. The Summary of Claimed Subject Matter section is intended to assist the board in finding antecedent basis in the specification and drawings for CLAIMED subject matter. Only appealed independent claims and dependent claims that are argued separately should be included. Subject matter that is not recited in these claims should not be included

  
JAMES M. HEWITT  
PRIMARY EXAMINER